

REMARKS

Specification

The Examiner has reminded the Applicants "of the proper language and format for an abstract of the disclosure." *Office Action*, 2. While the Examiner did not identify any particular defect within the abstract as filed, the Examiner specifically referenced the fact that the abstract should be "within the range of 50 to 150 words." *Office Action*, 2. The Applicants presume the Examiner's objection to be with regard to the length of the abstract as filed. In the interest of advancing prosecution, the Applicants have replaced the abstract as filed with the new, replacement abstract set forth above. The Applicants believe this new, replacement abstract avoids certain 'legal phraseology,' avoids implied statements, and is clear and concise as was noted by the Examiner in the context of what constitutes a proper abstract of the disclosure. See *Office Action*, 2.

Replacement of the abstract is in accord with 37 C.F.R. § 1.121(b), which states that "[a]mendments to the specification . . . must be made by adding, deleting or *replacing* a paragraph . . . in the manner specified in this section." (emphasis added). More specifically, the present amendment includes "[a]n instruction, which unambiguously identifies the location" of the paragraph (abstract) to be replaced as required by 37 C.F.R. § 1.121(b)(1)(i). Further, as an entire paragraph of text is to be deleted (*i.e.*, the original abstract), the Applicants have complied with the requirements of 37 C.F.R. § 1.121(b)(1)(iv) that requires that "[t]he text of a paragraph to be deleted must not be presented with strike-through." Through this replacement, the Examiner's objection is believed to have been overcome.

Double Patenting

The Examiner has issued a non-statutory double patenting rejection. See *Office Action*, 2. Specifically, the Examiner finds that “[c]laims 23-50 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 52-54 of copending Application No. 10/753,702.” *Office Action*, 3. In response, the Applicants have submitted a *Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending ‘Reference’ Application*. As such, the Applicants believe the Examiner’s rejection to have been overcome.

CONCLUSION

The Applicants have replaced the abstract of the present application to overcome the Examiner's apparent objection to the specification.

The Applicants have submitted a terminal disclaimer in the present application to overcome the Examiner's double patenting rejection.


No other rejections remain outstanding in the present *Office Action*. As such, the Examiner is respectfully requested to pass the present application to allowance.

The Examiner is encouraged to contact the undersigned with any questions and/or to expedite any remaining formal matters that might otherwise preclude accelerated allowance of this matter.

Respectfully submitted,
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